

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MIRNA A. ESPINOZA
Claimant

APPEAL 22A-UI-06895-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/07/20
Claimant: Appellant (1)

PL 116-136, Sec. 2107 – Federal Pandemic Emergency Unemployment Compensation
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

On March 21, 2022, claimant/appellant appealed the March 11, 2022, (reference 05) decision that concluded the claimant was overpaid Federal Pandemic Emergency Unemployment Compensation (“PEUC”) benefits in the amount of \$12,950.00 for the twenty-five-week period ending June 5, 2021. A telephonic hearing was held on May 3, 2022. Appeal numbers 22A-UI-06893-CS-T, 22A-UI-06894-CS-T, and 22A-UI-06897-CS-T were heard together and created one record. The claimant participated through CTS Language Link Spanish Interpreter, Karla (Identification No. 11494). Administrative notice was taken of the claimant’s unemployment insurance benefits records.

ISSUE:

Was the claimant overpaid PEUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received PEUC benefits in the gross amount of \$12,950.00 for the twenty-five-week period ending June 5, 2021. On August 20, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that found claimant was ineligible for benefits. That decision has been affirmed by the Employment Appeal Board in appeal 22B-UI-21141. The decision has become final.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes that the claimant has been overpaid PEUC benefits.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(2) PROVISIONS OF AGREEMENT. —

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

(emphasis added).

(e) FRAUD AND OVERPAYMENTS.—

...

(2) REPAYMENT.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

The decision that denied claimant regular unemployment insurance benefits remains in effect. Because claimant is not eligible for UI benefits, claimant is not eligible for PEUC benefits. Therefore, claimant has received PEUC benefits to which they were not entitled. The administrative law judge concludes that claimant has been overpaid PEUC benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The March 11, 2022, (reference 05) decision is affirmed. Claimant has been overpaid PEUC benefits in the amount of \$12,950.00, which must be repaid.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

May 17, 2022

Decision Dated and Mailed

cs/ac

Note to Claimant:

This decision determines you have been overpaid PEUC benefits under the CARES Act. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/federal-unemployment-insurance-overpayment-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>